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EXAMINER	
MILLER, BRANDON J	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/829,067	LAGNADO, ISAAC	
	Examiner	Art Unit	
	BRANDON J. MILLER	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/4/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-16,18-21,23-27,29-37,39-52 and 54-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-16,18-21,23-27,29-37,39-52 and 54-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments/Remarks

Disposition of Claims

I. Claims 1-3, 5-16, 18-21, 23-27, 29-37, 39-52, and 54-60 remain pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

II. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "determining whether the at least one wireless network is on a list of requested wireless networks" in lines 4-5 and "determining whether the at least one wireless network is on the list of requested wireless networks" in lines 6-7. The limitation in lines 4-5 and the limitation in lines 6-7 appear to be the same. The duplicate limitations render the claim indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following art rejection is based on the best possible interpretation of the claim language in light of the rejection under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

III. Claims 1-3, 5-11, 15, 26-27, 29-34, 36-37, 39-40, 42-48, 51-52, and 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar et al. (US 2003/0134650 A1) in view of Nurminen et al. (US 2005/0136837 A1).

Regarding claim 1 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Sundar teaches detecting at least one wireless network within which a wireless device is located while the wireless device is in a probe transmit off (passive scanning) mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches determining whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar teaches a determination that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar does not specifically teach a transmit off mode; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode. Nurminen teaches a transmit off mode; and in response to a determination based on the identity of at least one remote device, switching the wireless device from a transmit off mode to a transmit on mode (see paragraphs [0032] – [0034],

[0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a transmit off mode because Sundar's probe transmit off (passive scanning) mode suggests that the mobile station in Sundar can be modified to be in a transmit off mode, as taught in Nurminen, while still allowing for the device detection of the wireless network.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from a transmit off mode to a transmit on mode because Sundar makes such an identity determination (see Sundar, paragraph [0058]) and switching from a transmit off mode to a transmit on mode based on an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 2 Sundar teaches wherein detecting comprises receiving at least one beacon frame from the at least one wireless network (see paragraphs [0056] & [0058]).

Regarding claim 3 Sundar and Nurminen teach a device as recited in claim 1 except for switching the wireless device to a transmit on mode and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network is on the list of requested wireless networks. Sundar does teach and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network

is on the list of requested wireless networks (see paragraph [0058]). Nurminen does teach switching the wireless device to a transmit on mode in response to a determination based on the identity of at least one remote device (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])). It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network is on the list of requested wireless networks because Sundar transmits such a request in response to an identity determination (see Sundar, paragraph [0058]) and switching to a transmit on mode in response to an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 5 Sundar teaches creating a scan list of wireless networks within which the wireless device is located (see paragraph [0059]).

Regarding claim 6 Sundar teaches wherein the scan list comprises an identifier of the at least one wireless network (see paragraphs [0059]).

Regarding claim 7 Sundar teaches wherein the scan list comprises an identifier having a service set identifier (SSID) (see paragraphs [0059]).

Regarding claim 8 Sundar teaches the scan list comprising a set of attributes of the at least one wireless network (see paragraph [0059]).

Regarding claim 9 Sundar teaches comparing a set of attributes of a scan list associated with the at least one wireless network with a set of attributes in the list of requested wireless networks (see paragraph [0059]).

Regarding claim 10 Sundar teaches wherein determining whether the at least one wireless network is on the list of requested wireless networks comprisescomparing a scan list associated with the list of requested wireless networks to (see paragraph [0059]).

Regarding claim 11 Sundar teaches determining whether the at least one wireless network is a wireless network whose identifier is unknown (see paragraph [0059]).

Regarding claim 15 Sundar teaches at least one wireless local area network within which the wireless device is located (see paragraph [0058]).

Regarding claim 26 Sundar teaches a system for accessing a wireless network, comprising a wireless device; and application logic associated with the wireless device (see paragraph [0058] and FIG. 7). Sundar teaches detecting at least one wireless network within which a wireless device is located while the wireless device is in a probe transmit off (passive scanning) mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches a determination that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar does not specifically teach switching the wireless device to a transmit off mode; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode. Nurminen teaches switching the wireless device to a transmit off mode and in response to a determination based on the identity of at least one

remote device, switching the wireless device from a transmit off mode to a transmit on mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching to a transmit off mode because Sundar's probe transmit off (passive scanning) mode suggests that the mobile station in Sundar can be modified to be in a transmit off mode, as taught in Nurminen, while still allowing for the device detection of the wireless network.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from a transmit off mode to a transmit on mode because Sundar makes such an identity determination (see Sundar, paragraph [0058]) and switching from a transmit off mode to a transmit on mode based on an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 27 Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Regarding claim 29 Sundar and Nurminen teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 30 Sundar and Nurminen teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 31 Sundar and Nurminen teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 32 Sundar and Nurminen teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 33 Sundar and Nurminen teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 34 Sundar and Nurminen teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 36 Sundar and Nurminen teach a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 37 Sundar teaches a system for accessing a wireless network, (see paragraph [0058]). Sundar teaches detecting at least one wireless network within which a wireless device is located while the wireless device is in a probe transmit off (passive scanning) mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches a determination that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar does not specifically teach switching the wireless device to a transmit off mode; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode. Nurminen teaches switching the wireless device to a

transmit off mode and in response to a determination based on the identity of at least one remote device, switching the wireless device from a transmit off mode to a transmit on mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching to a transmit off mode because Sundar's probe transmit off (passive scanning) mode suggests that the mobile station in Sundar can be modified to be in a transmit off mode, as taught in Nurminen, while still allowing for the device detection of the wireless network.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from a transmit off mode to a transmit on mode because Sundar makes such an identity determination (see Sundar, paragraph [0058]) and switching from a transmit off mode to a transmit on mode based on an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 39 Sundar determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Regarding claim 40 Sundar and Nurminen a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 42 Sundar teaches a system for accessing a wireless network, comprising a wireless device; and application logic associated with the wireless device (see paragraph [0058] and FIG. 7). Sundar teaches detecting at least one wireless network within which a wireless device is located while the wireless device is in a probe transmit off (passive scanning) mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches a determination that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar does not specifically teach selectively switching the wireless device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode. Nurminen teaches selectively switching the wireless device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])). It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to selectively switching the wireless device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the

wireless device from the transmit off mode to a transmit on mode because Sundar makes such an identity determination (see Sundar, paragraph [0058]) and switching from a transmit off mode to a transmit on mode based on an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 43 Sundar teaches wherein the at least one wireless network comprises a wireless local area network (see paragraph [0058]).

Regarding claim 44 Sundar teaches at least one wireless network comprising an infrastructure network (see paragraph [0006]).

Regarding claim 46 Sundar and Nurminen teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 47 Sundar and Nurminen teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 48 Sundar and Nurminen teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 51 Sundar and Nurminen teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 52 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Sundar teaches automatically detecting at least one wireless network within which a wireless device is located while the wireless device is in a probe transmit off (passive scanning) mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Sundar teaches determining whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar teaches a determination that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar does not specifically teach a transmit off mode; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode. Nurminen teaches a transmit off mode; and in response to a determination based on the identity of at least one remote device, switching the wireless device from a transmit off mode to a transmit on mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a transmit off mode because Sundar's probe transmit off (passive scanning) mode suggests that the mobile station in Sundar can be modified to be in a transmit off mode, as taught in Nurminen, while still allowing for the device detection of the wireless network.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from a transmit off mode to a transmit on mode because Sundar makes such an identity determination (see Sundar, paragraph [0058]) and switching from a transmit off mode to a transmit on mode based on an identity determination, as taught in Nurminen, would improve the

operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 54 Nurminen switching the wireless device to a transmit on mode in response to identifying the at least one wireless network (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])).

Regarding claim 55 Sundar and Nurminen a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 56 Sundar and Nurminen teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 57 Sundar a system for accessing a wireless network, comprising a wireless device; and application logic associated with the wireless device (see paragraph [0058] and FIG. 7). Sundar teaches automatically detecting at least one wireless network within which a wireless device is located while the wireless device is in a probe transmit off (passive scanning) mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches a determination that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar does not specifically teach switching the wireless device to a transmit off mode; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode. Nurminen teaches switching the wireless device to a transmit off mode and in response to a determination based on the identity of at least one remote

device, switching the wireless device from a transmit off mode to a transmit on mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching to a transmit off mode because Sundar's probe transmit off (passive scanning) mode suggests that the mobile station in Sundar can be modified to be in a transmit off mode, as taught in Nurminen, while still allowing for the device detection of the wireless network.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from a transmit off mode to a transmit on mode because Sundar makes such an identity determination (see Sundar, paragraph [0058]) and switching from a transmit off mode to a transmit on mode based on an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 58 Sundar teaches automatically determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Regarding claim 59 Sundar and Nurminen teach a device as recited in claim 54 and is rejected given the same reasoning as above.

Regarding claim 60 Sundar and Nurminen teach a device as recited in claim 5 and is rejected given the same reasoning as above.

IV. Claims 12-14, 35, 41, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar et al. (US 2003/0134650 A1) in view of Nurminen et al. (US 7,076,256 B1) and Whelan et al. (US 2004/0003285 A1).

Regarding claim 12 Sundar and Nurminen teach a device as recited in claim 11 except for switching the wireless device to a transmit on mode to identify an unknown wireless network. Nurminen does teach switching a wireless device between a transmit on mode and a transmit off mode based on identification (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])). Whelan does teach identifying an unknown wireless network device (see paragraph [0036]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode to identify an unknown wireless network because it would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 13 Whelan teaches transmitting at least one probe request frame to identify an unknown wireless network (see paragraph [0034]).

Regarding claim 14 Whelan teaches receiving a probe response frame from the unknown wireless network, the probe response frame having an identifier for identifying the unknown wireless network (see paragraph [0034]).

Regarding claim 35 Sundar and Nurminen teach a device as recited in claim 26 except for switching the wireless device to a transmit on mode in response to determining that the at least one wireless network is a wireless network whose identifier is unknown; and transmitting a probe request frame to the at least one wireless network to identify the at least one wireless network. Nurminen does teach switching a wireless device between a transmit on mode and a transmit off mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])). Whelan does teach determining whether a wireless network device is a wireless network device whose identifier is unknown (see paragraph [0036]). Whelan does teach transmitting at least one probe request frame to identify an unknown wireless network (see paragraph [0034]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode in response to determining that the at least one wireless network is a wireless network whose identifier is unknown; and transmitting a probe request frame to the at least one wireless network to identify the at least one wireless network because it would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 41 Sundar and Nurminen teach a device as recited in claim 39 and is rejected given the same reasoning as above.

Regarding claim 49 Sundar and Nurminen teach a device as recited in claim 39 and is rejected given the same reasoning as above.

V. Claims 16, 18-21, 23, 25, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar et al. (US 2003/0134650 A1) in view of Orler et al. (US 7,076,256 B1) and Nurminen et al. (US 2005/0136837 A1).

Regarding claim 16 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Sundar teaches activation of a wireless device (see paragraph [0017]). Sundar teaches detecting at least one wireless network within which the wireless device is located while the wireless device is in a probe transmit off (passive scanning) mode (see paragraphs [0056] & [0058]). Sundar does not specifically teach automatically switching a wireless device to a transmit off mode in response to activation of the wireless device; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode. Orler teaches automatically switching a wireless device to a transmit off mode in response to activation of the wireless device (see col. 9, lines 6-7 & 25-26). Nurminen teaches in response to a determination based on the identity of at least one remote device, switching the wireless device from a transmit off mode to a transmit on mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Sundar adapt to include automatically switching a wireless device to a transmit off mode in response to activation of the wireless device because the wireless devices in Sundar can automatically switches to a transmit off mode after activation in the same way the wireless device taught in Orler switches to a transmit off mode after activation.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the Sundar and Orler combination adapt to include in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from a transmit off mode to a transmit on mode because Sundar makes such an identity determination (see Sundar, paragraph [0058]) and switching from a transmit off mode to a transmit on mode based on an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 18 Sundar teaches determining whether the at least one wireless network is a wireless network whose identifier is unknown (see paragraph [0059]).

Regarding claim 19 Sundar teaches wherein detecting comprises receiving at least one beacon frame from the at least one wireless network (see paragraphs [0056] & [0058]).

Regarding claim 20 Sundar teaches creating a scan list of wireless networks within which the wireless device is located (see paragraph [0059]).

Regarding claim 21 Sundar teaches comparing a list of requested wireless networks with a scan list of wireless networks within which the wireless device is located (see paragraphs [0058] & [0059]).

Regarding claim 23 Sundar teaches at least one wireless local area network within which the wireless device is located (see paragraph [0058]).

Regarding claim 25 Sundar, Orler, and Nurminen teach a device as recited in claim 16 except for switching the wireless device to a transmit on mode and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless

network is on the list of requested wireless networks. Sundar does teach and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Nurminen does teach switching the wireless device to a transmit on mode in response to a determination based on the identity of at least one remote device (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])). It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network is on the list of requested wireless networks because Sundar transmits such a request in response to an identity determination (see Sundar, paragraph [0058]) and switching to a transmit on mode in response to an identity determination, as taught in Nurminen, would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Regarding claim 50 Sundar and Nurminen teach a device as recited in claim 42 except for automatically switching a wireless device to a transmit off mode in response to activation of the wireless device. Orler teaches automatically switching a wireless device to a transmit off mode in response to activation of the wireless device (see col. 9, lines 6-13 & 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include automatically switching a wireless device to a transmit off mode in response to activation of the wireless device because the wireless devices in Sundar and

Nurminen can automatically switches to a transmit off mode after activation in the same way the wireless device taught in Orler switches to a transmit off mode after activation.

VI. Claims 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar et al. (US 2003/0134650 A1) in view of Orler et al. (US 7,076,256 B1), Nurminen et al. (US 2005/0136837 A1), and Whelan et al. (US 2004/0003285 A1).

Regarding claim 24 Sundar, Orler, and Nurminen teach a device as recited in claim 16 except for switching the wireless device to a transmit on mode in response to determining that the at least one wireless network is a wireless network whose identifier is unknown; and transmitting a probe request frame to the at least one wireless network to identify the at least one wireless network. Nurminen does teach switching a wireless device between a transmit on mode and a transmit off mode (see paragraphs [0032] – [0034], [0036], [0109], at least one remote device (access point) reads on at least one wireless network because remote device is connection point the wireless network (see paragraph [0031])). Whelan does teach determining whether a wireless network device is a wireless network device whose identifier is unknown (see paragraph [0036]). Whelan does teach transmitting at least one probe request frame to identify an unknown wireless network (see paragraph [0034]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode in response to determining that the at least one wireless network is a wireless network whose identifier is unknown; and transmitting a probe request frame to the at least one wireless network to identify the at least one wireless network because it

would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

VII. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar (US 2003/0134650 A1) in view of Nurminen (US 7,076,256 B1) and Krantz (US 2004/0153676 A1).

Regarding claim 45 Sundar and Nurminen teach a device as recited in claim 42 except for the at least one wireless network comprising an ad-hoc. Krantz teaches at least one wireless network comprising an ad-hoc network (see paragraph 0029]). It would have been obvious to one or ordinary skill in the art at the time the invention was made to make the device adapt to include at least one wireless network comprising an ad-hoc network because it is a method of wireless communication and it would improve the operational characteristics and mobility management of a mobile device operating in WWAN and WLAN environments (see Sundar, paragraph [0019]).

Response to Arguments

VIII. Applicant's arguments with respect to claims 1-3, 5-16, 18-21, 23-27, 29-37, 39-52, and 54-60 have been considered but are moot in view of the new ground(s) of rejection.

IX. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

X. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

December 31, 2008

/Brandon J Miller/
Examiner, Art Unit 2617